

Gillis, James P. (USAVAE)

From: Gillis, James P. (USAVAE)
Sent: Thursday, January 17, 2019 5:40 PM
To: Robert P. Trout; Mark J. MacDougall [REDACTED]
Cc: Gibbs, John (USAVAE); Evan N. Turgeon [REDACTED]
Subject: United States v. Rafiekian, et al.

Dear Bob and Mark,

At your convenience and subject to the conditions below, you are welcome to review in our office the FBI 302s, lightly redacted, that were prepared directly in connection with the investigation of the defendants charged in the indictment. I do this for the sole purpose of allowing you to conduct your own review of the materials for what you may consider to be Brady or Giglio information; you are not otherwise entitled to them in this form under Brady, Giglio, Jencks, or rule 16. Given the fairly manageable number of pages, that review could be accomplished in a day or two. Nonetheless, you are welcome to review them at any reasonable time, as often and for as long as you might reasonably wish. You may take notes from them, or highlight or annotate them, and we will not review the copies that are made available to you for this purpose. You may not, however, take or copy the 302s.

The 302s will be made available to you on the following conditions:

1. You agree not to seek production of the 302s more than five calendar days before trial, as is typically provided in the Court's order for production of Jencks/Giglio materials. Even then, you recognize that we do not agree that all of the 302s are subject to production.
2. Apart from those 302s that we do produce as a particular witness's Jencks, you will not display or quote from the 302s at trial without first providing the government an opportunity to object.
3. You agree to stipulate that any bank records, telephone toll records, emails, text messages, and similar documents obtained from private entities, to the extent made available to you in discovery, are authentic business records, as provided in Fed. R. Evid. 902(11) & 803(6). The intent of this paragraph is to obviate the need for the testimony of the respective custodians of records. If you have a genuine question about the authenticity of any document, you agree to raise it with us at least thirty days before trial. If we cannot agree, we will jointly ask the Court to decide whether there is a genuine issue of authenticity. All objections to relevance are preserved.
4. You agree to stipulate that any documents obtained from FIG's or Rafiekian's computers or electronic devices, to the extent made available to you in discovery, are authentic and accurate duplicates of the originals within the meaning of Fed. R. Evid. 1001(e) and 1003. The intent of this paragraph is to obviate the need for the testimony of the respective CART technicians who obtained the documents from the respective devices. If you have a genuine question about the authenticity of any document, you agree to raise it with us at least thirty days before trial. If we cannot agree, we will jointly ask the Court to decide whether there is a genuine issue of authenticity. All objections to relevance are preserved.
5. You agree not to share information from the 302s with anyone other than the defendant and those who are directly a part of the defense trial team. You agree not to share information from the 302s with any counsel or defendant who has not agreed to the terms above.

If these terms are acceptable, please indicate this by reply email. Once you have agreed, you may contact our trial paralegal [REDACTED] or my assistant [REDACTED] to make arrangements to review the reports in one of our conference rooms. You may reach either of them through our main number, [REDACTED], or by email.

Best regards,

Jim

James P. Gillis

Assistant United States Attorney

Office: [REDACTED]

Mobile: [REDACTED]

Gillis, James P. (USAVAE)

From: Gillis, James P. (USAVAE)
Sent: Friday, February 22, 2019 10:09 AM
To: Mark J. MacDougall [REDACTED]; Robert P. Trout
Cc: Gibbs, John (USAVAE); Evan N. Turgeon [REDACTED]
Subject: United States v. Rafiekian

Bob and Mark,

I would like to discuss with you what agreement we might be able to reach so that you can continue your review of the 302s we have assembled. We have added to the collection that you had previously reviewed. Please let me know what might be a convenient time for a conference call so that we can try to clear this up.

[REDACTED]

Best,

Jim

James P. Gillis
Assistant United States Attorney
Office: [REDACTED]
Mobile: [REDACTED]

Gillis, James P. (USAVAE)

From: Gillis, James P. (USAVAE)
Sent: Tuesday, February 26, 2019 9:51 AM
To: Mark J. MacDougall [REDACTED]; Robert P. Trout
Cc: Evan N. Turgeon [REDACTED]; Gibbs, John (USAVAE)
Subject: United States v. Rafiekian

Bob and Mark,

It would be helpful in moving this case along, and getting you the information that you've requested, if you could respond to my two previous emails.

Thank you,

Jim

James P. Gillis
Assistant United States Attorney
Office: [REDACTED]
Mobile: [REDACTED]



United States v.
Rafiekian

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